

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered April 4, 2007.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rule 714 is amended as follows.

Amended Rule 714

Rule 714. Capital Litigation Trial Bar

(a) Statement of Purpose. This rule is promulgated to insure that counsel who participate in capital cases possess the ability, knowledge and experience to do so in a competent and professional manner. To this end, the Supreme Court shall certify duly licensed attorneys to serve as members of the Capital Litigation Trial Bar.

(b) Qualifications of Members of the Capital Litigation Trial Bar. Unless exempt under paragraph (c), or the Supreme Court determines that an attorney otherwise has the competence and ability to participate in a capital case pursuant to paragraph (d), trial counsel must meet the following minimum requirements:

Lead Counsel—Qualifications

(1) Be a member in good standing of the Illinois Bar or be admitted to the practice *pro hac vice*.

(2) Be an experienced and active trial practitioner with at least five years of criminal litigation experience.

(3) Have substantial familiarity with the ethics, practice, procedure and rules of the trial and reviewing courts of the State of Illinois.

(4) Have prior experience as lead or co-counsel in no fewer than eight felony jury trials which were tried to completion, at least two of which were murder prosecutions; and either

(i) have completed at least 12 hours of training in the preparation and trial of capital cases in a course approved by

the Illinois Supreme Court, within two years prior to making application for admission; or

(ii) have substantial familiarity with and extensive experience in the use of expert witnesses, and forensic and medical evidence including, but not limited to, mental health, pathology and DNA profiling evidence.

Co-Counsel–Qualifications

(1) Be a member in good standing of the Illinois bar or be admitted to the practice *pro hac vice*.

(2) Be an experienced and active trial practitioner with at least three years of criminal litigation experience.

(3) Have substantial familiarity with the ethics, practice, procedure and rules of the trial and reviewing courts of the State of Illinois.

(4) Have prior experience as lead or co-counsel in no fewer than five felony jury trials which were tried to completion; and either

(i) have completed at least 12 hours of training in the preparation and trial of capital cases in a course approved by the Illinois Supreme Court, within two years prior to making application for admission; or

(ii) have substantial familiarity with and extensive experience in the use of expert witnesses, and forensic and medical evidence including, but not limited to, mental health, pathology and DNA profiling evidence.

(c) The Attorney General or duly elected or appointed State's Attorney of each county of this state shall not be disqualified from prosecuting a capital case because he or she is not a member of the Capital Litigation Trial Bar.

(d) Waiver. If an attorney cannot meet one or more of the requirements set forth above, the Supreme Court may waive such requirement upon demonstration by the attorney that he or she, by reason of extensive criminal or civil litigation, appellate or post conviction experience or other exceptional qualifications, is capable of providing effective representation as lead or co-counsel in capital cases.

(e) Application for Admission to the Capital Litigation Trial Bar. In support of an application, an attorney shall submit to the Illinois Supreme Court a form approved by the Administrative Office of the Illinois Courts. It shall require the attorney to demonstrate that he or she has fully satisfied the requirements set forth above. The attorney shall also identify any requirement that he or she requests be waived

and shall set forth in detail such criminal or civil litigation, appellate or post conviction experience or other exceptional qualifications that justify waiver. Applications for certification as lead counsel by attorneys previously certified as co-counsel shall be handled in the same manner as original applications for admission to the Capital Litigation Trial Bar.

(f) Creation of Capital Litigation Trial Bar Roster. The Administrative Office of the Illinois Courts shall review each application to determine that it is complete. All completed applications shall be delivered, within 30 days of their receipt, to the screening panel designated by the Supreme Court to consider such applications. Within 30 days of receipt of the application the screening panel shall designate those attorneys deemed qualified to represent parties in capital cases and shall report those findings to the Supreme Court. Upon concurrence by the Supreme Court, the court shall direct the Administrative Office to maintain and promulgate a roster of attorneys designated as members of the Capital Litigation Trial Bar. The roster shall indicate whether the attorney is certified as lead counsel or co-counsel.

(g) Continuing Legal Education. In addition to fulfilling the requirements for Capital Litigation Trial Bar membership, each member of the Capital Litigation Trial Bar shall complete at least 12 hours of training in the preparation and trial of capital cases in a course approved by the Illinois Supreme Court within each two-year period following admission to that bar. It shall be the responsibility of each Capital Litigation Trial Bar member to provide notice of completion within 60 days of such training to the Administrative Office of the Illinois Courts, either by individual correspondence or by certification provided by the agency or group conducting such training.

(h) Removal of Eligibility. The Supreme Court may remove from the roster of the Capital Litigation Trial Bar any attorney who, in the court's judgment, has not provided ethical, competent, and thorough representation. In addition, the court may suspend or remove from the Capital Litigation Trial Bar roster any attorney who has failed to meet the continuing legal education requirements of paragraph (g).

(i) Reinstatement. An attorney who has been suspended or removed from the roster of the Capital Litigation Trial Bar for failure to comply with the continuing legal education requirements of paragraph (g) may be reinstated by the Supreme Court. An attorney who seeks reinstatement must, within one year after receiving notice of being removed or suspended from the roster of the Capital Litigation Trial Bar, complete the 12 hours of training as required by paragraph (g) and provide notice of compliance to the Administrative

Office of the Illinois Courts. Such notice shall be in a form and manner approved by the Administrative Office of the Illinois Courts. To be reinstated, an attorney must have remained in compliance with all other qualifications for membership in the Capital Litigation Trial Bar. An attorney may seek reinstatement by this process only once.

Adopted March 1, 2001, effective immediately; amended October 1, 2004, effective January 1, 2005; amended April 4, 2007, effective immediately.